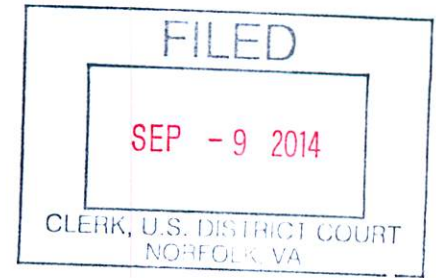


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



UNITED STATES OF AMERICA,

v.

CRIMINAL NO. 4:06cr42

DAMIAN J. KNOWLIN,

Defendant.

ORDER

This matter is before the court on the "Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2)" ("Motion"), filed by the Defendant, Damian J. Knowlin, on August 8, 2014,<sup>1</sup> pursuant to 18 U.S.C. § 3582 (c)(2) based on Amendment 782 in Appendix C to the United States Sentencing Guidelines ("U.S.S.G."). For the reasons set forth herein, the Defendant's Motion is **DENIED**.

On July 18, 2014, the United States Sentencing Commission voted to give retroactive effect to Amendment 782 in Appendix C of the U.S.S.G., which reduces by two levels the drug offenses assigned to the drug quantities in U.S.S.G. §§ 2D1.1 and 2D1.11. However, Amendment 782 does not become effective until November 1, 2014, because Congress can reject or modify the

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<sup>1</sup> On July 31, 2014, the Defendant filed the Motion subject to defect, which, in accordance with the court's Striking Order the Pleadings of August 1, 2014, the Defendant timely corrected on August 8, 2014.

Amendment until that date. Therefore, neither Amendment 782 nor its retroactive application is effective until November 1, 2014, absent congressional action to the contrary.

Consequently, at this juncture Amendment 782 is not yet in effect, and this court is without jurisdiction to provide the Defendant any relief. Accordingly, the Defendant's Motion is **DENIED** without prejudice to re-file it on or after November 1, 2014, should Amendment 782 take effect.

The Clerk is **DIRECTED** to forward a copy of this Order to the Defendant and the United States Attorney at Newport News.

**IT IS SO ORDERED.**

\_\_\_\_\_  
/s/  
Rebecca Beach Smith  
Chief  
United States District Judge   
\_\_\_\_\_  
REBECCA BEACH SMITH  
CHIEF UNITED STATES DISTRICT JUDGE

September 9, 2014